



7-18-05

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Attorney Docket No. 2095/US/2  
Express Mail Label No. EV 423 777 261 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors	: Wicks et al.	Confirmation No: 4818
Appln. No.	: 10/828,384	Group Art Unit: 3763
Filed	: April 19, 2004	Examiner: Not Yet Assigned
Title	: APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE	

**PETITION UNDER 37 C.F.R. § 1.183  
REQUESTING WAIVER OF THE REQUIREMENTS OF 37 C.F.R. § 1.64 WHEN  
CORRECTING INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. A request to correct inventorship under 37 C.F.R. § 1.48(a) is enclosed herewith, which is being submitted to include Dan Durdin and Daniel S. Cheek as additional inventors.
2. A copy of the Declaration executed by the two originally named inventors, Jeffrey Clark Wicks and Bruce Alan Williams, is attached as **Exhibit A**.
3. An assignment of above-referenced application to an Assignee, Value Plastics, Inc., was executed by the two originally named inventors, Jeffrey Clark Wicks and Bruce Alan Williams. Copies of the Combined Power of Attorney by Assignee and Assignment are attached as **Exhibit B**.
4. One of the originally named inventors, Jeffrey Clark Wicks, is no longer employed by the Assignee, Value Plastics, Inc., and has not reexecuted the declaration. A copy of the Declaration executed by one of the originally named inventors, Bruce Alan Williams, and executed by both of the newly added inventors, Dan Durdin and Daniel S. Cheek, is attached as **Exhibit C**.
5. The Assignee, Value Plastics, Inc., has consented to the addition of Dan Durdin and Daniel S. Cheek as inventors. A copy of a Consent of the Assignee to correct inventorship under 37 C.F.R. § 1.48(a) is attached as **Exhibit D**.

6. In light of the above facts, waiver of the requirement under 37 C.F.R. § 1.64 that each of the actual inventors execute the oath or declaration is respectfully requested.

7. A check is enclosed to cover the \$130.00 petition fee under 37 C.F.R. § 1.17(h). It is believed no further petitions or fees are due with respect to this filing. Should any such petitions or fees be necessary, however, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

Dated: July 15, 2005

Respectfully submitted,



---

Charles R. Matson, Registration No. 52,006  
USPTO Customer No. 20686

DORSEY & WHITNEY LLP  
370 Seventeenth Street, Suite 4700  
Denver, Colorado 80202-5647  
Tel: 303-629-3400  
Fax: 303-629-3450



Attorney Docket No. 2095/US/2  
Express Mail Label No. EV 423 777 261 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant	: Wicks et al.	
Appln. No.	: 10/828,384	Confirmation No.: 4818
Filed	: April 19, 2004	Group Art Unit: 3763
Title	: APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE	Examiner: Not Yet Assigned

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the following documents:

1. Petition to Correct Inventorship (2 pages);
2. Statement by Dan Durdin (1 page);
3. Statement by Daniel S. Cheek (1 page);
4. Consent of Assignee to Change Inventorship (1 page);
5. Copy of Executed Declaration by Williams, Durdin and Cheek (5 pages);
6. Petition Requesting Waiver of the Requirements of 37 C.F.R. § 1.64 When Correcting Inventorship with Exhibits A-D (16 pages);
7. Check in the Amount of \$260.00;
8. Certificate of Mailing by Express Mail (1 page); and
9. Return Card

relating to the above application, were deposited as "Express Mail" under 37 CFR § 1.10, Mailing Label No. EV 423 777 261 US, with the United States Postal Service addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 15, 2005.

Mailer's Signature

Print Name: Jane M. Lalis

EV423777261US

Dorsey & Whitney LLP

Tel: 303-629-3400  
Fax: 303-629-3450



Attorney Docket No. 2095/US/2  
Express Mail Label No. EV 423777261 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors	: Wicks et al.	
Appln. No.	: 10/828,384	Confirmation No: 4818
Filed	: April 19, 2004	Group Art Unit: 3763
Title	: APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE	Examiner: Not Yet Assigned

**STATEMENT BY DAN DURDIN UNDER 37 C.F.R. § 1.48(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Dan Durdin, hereby state that I was erroneously not included as an inventor in the above-referenced patent application and that such error occurred without deceptive intent on my part.

Dated this 8 day of APRIL, 2005.

Respectfully submitted,

By:   
Dan Durdin



Attorney Docket No. 2095/US/2  
Express Mail Label No. EV 423777261 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors	: Wicks et al.	
Appln. No.	: 10/828,384	Confirmation No: 4818
Filed	: April 19, 2004	Group Art Unit: 3763
Title	: APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE	Examiner: Not Yet Assigned

**STATEMENT BY DANIEL S. CHEEK UNDER 37 C.F.R. § 1.48(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Daniel S. Cheek, hereby state that I was erroneously not included as an inventor in the above-referenced patent application and that such error occurred without deceptive intent on my part.

Dated this 24<sup>th</sup> day of March, 2005.

Respectfully submitted,

By:   
Daniel S. Cheek



Attorney Docket No. 2095/US/2  
Express Mail Label No. EV 423777261 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors	: Wicks et al.	Confirmation No: 4818
Appln. No.	: 10/828,384	Group Art Unit: 3763
Filed	: April 19, 2004	Examiner: Not Yet Assigned
Title	: APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE	

**CONSENT OF ASSIGNEE TO CHANGE INVENTORSHIP UNDER 37 CFR 1.48(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

An assignment from the two originally named inventors to Value Plastics, Inc., 3325 Timberline Road, Fort Collins, CO 80525, was recorded on 14 July 2004 at Reel 014851, Frame 0735 (4 pages). The assignee, Value Plastics, Inc., hereby assents to the correction of inventorship filed herewith.

A Statement under 37 C.F.R. § 3.73(b) is attached.

Dated this 28<sup>th</sup> day of June, 2005.

Respectfully submitted,

VALUE PLASTICS, INC.

By: Bruce Williams  
Name: Bruce Williams  
Title: CEO



## DECLARATION FOR PATENT APPLICATION

### DECLARATION:

As the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE, which may be identified as Serial No. 10/828,384, filed April 19, 2004; also known as Attorney Docket No. 2095/US/2, filed with Express Mail Label No. EV 447214821 US.

The persons named as inventors in this application are: Jeffrey Clark Wicks, Bruce Alan Williams, Dan Durdin and Daniel S. Cheek.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, as attached.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application, having a filing date before that of the application on the basis of which priority is claimed.

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 U.S.C. § 119/365			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under 35 U.S.C. 120/365 of any United States or PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became

available between the filing date of the prior application and the national or PCT international filing date of this application.

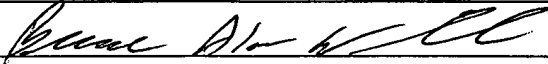
U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

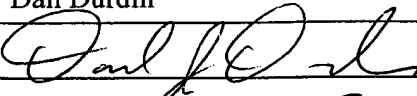
U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
60/464,069	April 18, 2003	Pending

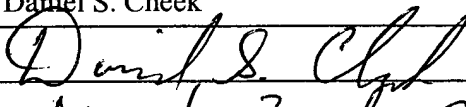
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Jeffrey Clark Wicks
Inventor's Signature:	
Date:	
Residence: (City, State and/or Country)	Fort Collins, Colorado U.S.A.
Citizenship:	U.S.A.
Post Address Office:	2626 Red Fox Court, Fort Collins, Colorado 80526

Inventor's Full Name:	Bruce Alan Williams
Inventor's Signature:	
Date:	6-28-05
Residence: (City, State and/or Country)	Fort Collins, Colorado U.S.A.
Citizenship:	U.S.A.
Post Address Office:	1942 Connecticut Drive, Fort Collins, Colorado 80525



Inventor's Full Name:	Dan Durdin
Inventor's Signature:	
Date:	APRIL 8, 2005
Residence: (City, State and/or Country)	Maple Grove, Minnesota U.S.A.
Citizenship:	U.S.A.
Post Address Office:	11262 N. Eagle Lake Blvd., Maple Grove, MN 55369

Inventor's Full Name:	Daniel S. Cheek
Inventor's Signature:	
Date:	March 2nd, 2005
Residence: (City, State and/or Country)	<del>Brooklyn Park</del> , Minnesota U.S.A. Plymouth
Citizenship:	U.S.A.
Post Address Office:	7601 Northland Drive, Brooklyn Park, MN 55428

## **§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



# EXHIBIT A

PATENT  
Attorney Docket No. 2095US2

## DECLARATION FOR PATENT APPLICATION

### DECLARATION

As the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE, which may be identified as Serial No. 10/828,384, filed April 19, 2004; also known as Attorney Docket No. 2095/US/2, filed with Express Mail Label No. EV 447 214 821 US. I authorize the assignee, or its agent or representative, to fill in the serial number for this application once it is available.

The persons named as inventors in this application are: Jeffrey C. Wicks and Bruce A. Williams.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, as attached.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application, having a filing date before that of the application on the basis of which priority is claimed.

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 U.S.C. § 119/365			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

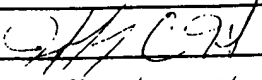
I hereby claim the benefit under 35 U.S.C. 120/365 of any United States or PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

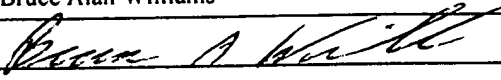
U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
60/464,069	April 18, 2003	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Jeffrey Clark Wicks
Inventor's Signature:	
Date:	5-24-04
Residence: (City, State and/or Country)	Fort Collins, Colorado, U.S.A.
Citizenship:	U.S.A.
Post Address Office:	2626 Red Fox Court, Fort Collins, Colorado 80526, U.S.A.

Inventor's Full Name:	Bruce Alan Williams
Inventor's Signature:	
Date:	5-20-04
Residence: (City, State and/or Country)	Fort Collins, Colorado, U.S.A.
Citizenship:	U.S.A.
Post Address Office:	1942 Connecticut Drive, Fort Collins, Colorado 80525, U.S.A.

Inventor's Full Name:	
Inventor's Signature:	
Date:	
Residence: (City, State and/or Country)	
Citizenship:	
Post Address Office:	

## § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



## EXHIBIT B

PATENT

Attorney Docket No. 2095/US/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jeffrey C. WICKS et al.

Application No. Not Yet Assigned

Filed: April 19, 2004

For: APPARATUS FOR DISPENSING  
FLUID INTO OR DRAWING FLUID  
FROM A CONTAINER USING A  
SYRINGE

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

### COMBINED POWER OF ATTORNEY BY ASSIGNEE AND SUBMISSION UNDER 37 C.F.R. §§ 3.71 AND 3.73(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As an officer of Value Plastics Inc. ("assignee"), a Colorado corporation, I hereby certify that the undersigned is a representative authorized and empowered to sign on behalf of the assignee, and that to the best of assignee's knowledge and belief it is the assignee of the entire right, title and interest in and to the above-referenced patent application by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above,  
☒ 1. a copy of which is attached; or  
☐ 2. which is recorded in the U.S. Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, a copy of which is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the U.S. Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, a copy of which is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the U.S. Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy of which is  
attached.

Assignee hereby appoints on its behalf the following patent attorneys to prosecute the  
patent application identified above and to transact all business in the Patent Office connected  
therewith:

Dorsey & Whitney LLP  
USPTO Customer No. 20686

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the above-  
referenced patent application is to be conducted to the exclusion of the inventors.

Send all correspondence relating to this matter to:

Dorsey & Whitney LLP  
USPTO Customer No. 20686

Direct all telephone calls to **Lee R. Osman** at 303-629-3434.

The undersigned hereby declares that all statements made herein of his/her own  
knowledge are true and that all statements made on information and belief are believed to be  
true; and further that these statements were made with the knowledge that willful false  
statements and the like so made are punishable by fine or imprisonment, or both, under  
Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the  
validity of the application or any patent issuing thereon.

Signed this 24 day of May, 2004.

ASSIGNEE:

VALUE PLASTICS INC.

By: Bruce A. Williams

Name: Bruce A. Williams

Title: President & COO

Address: 3325 Timberline Road  
Fort Collins, Colorado 80525



## ASSIGNMENT

WHEREAS, we, Jeffrey C. WICKS and Bruce A. WILLIAMS, whose post office addresses are shown below, have made a certain new and useful invention relating to an apparatus for dispensing fluid into or drawing fluid from a container using a syringe, for which we have made application for Letters Patent of the United States, which application may be identified in the United States Patent Office as Application Serial No. 10/828,384 filed on April 19, 2004, for APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE; and

WHEREAS, Value Plastics Inc., a Colorado corporation, whose post office address is 3325 Timberline Road, Fort Collins, Colorado 80525, by an earlier Assignment dated May 1, 2003, owns all right, title, and interest in and to the U.S. Provisional Application Serial No. 60/464,069 filed April 18, 2003 entitled APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE; and

WHEREAS, to the extent that we now own any right, title and interest in the invention described and claimed in Application Serial No. 10/828,384 not already transferred to Value Plastics Inc. by the earlier Assignment, we are desirous of assigning such interest to Value Plastics Inc.; and

WHEREAS, Value Plastics Inc. is desirous of acquiring the entire interest in and to said invention, said application and any continuation, continuation-in-part, divisional, renewal, or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, or any reissue or reexamination thereof, to be obtained therefor:

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to us in hand paid, the receipt and sufficiency of which are hereby acknowledged, we have sold, assigned, and set over and by these presents do hereby sell, assign and set over unto Value Plastics Inc., and its legal representatives, successors and assigns, the entire right, title and interest in and to said invention, said application and any continuation, continuation-in-part, divisional, renewal or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, both foreign and domestic, that may or shall issue thereon, or any reissue or reexamination thereof, to the extent we own any part thereof; and we do hereby

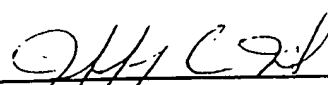
authorize and request the Commissioner of Patents to issue said Letters Patent to the above-mentioned assignee, consistent with the terms of this Assignment.

We HEREBY AUTHORIZE the above-mentioned assignee to insert in this instrument the filing date and serial number of said application, and the execution date of said earlier Assignment.

UPON SAID CONSIDERATION, we hereby covenant and agree with the said assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will, at any time upon request, without further or additional consideration, but at the expense of the said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, continuation, continuation-in-part, divisional, renewal, reissued or extended Letters Patent of the United States, or of any and all foreign countries, on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of both parties.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals on the date indicated below.

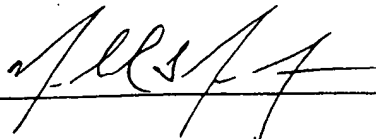
5.24, 2004

  
\_\_\_\_\_  
Jeffrey Clark Wicks  
2626 Red Fox Court  
Fort Collins, Colorado 80526

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF La Salle     )

On this 24<sup>th</sup> day of July, 2004, before me a notary public in and for said county, appeared Jeffrey Clark Wicks, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

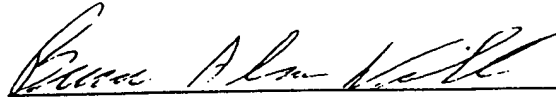


  
\_\_\_\_\_

Notary Public

My commission expires: JUNE 28<sup>TH</sup> 2004

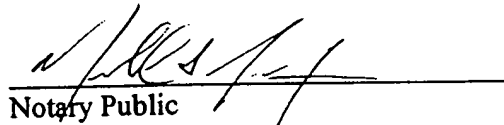
May 24, 2004



**Bruce Alan Williams**  
1942 Connecticut Drive  
Fort Collins, Colorado 80525

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF Lincoln     )

On this 24<sup>TH</sup> day of May, 2004, before me a notary public in and for said county, appeared Bruce Alan Williams, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

  
Notary Public

My commission expires: JUNE 28<sup>TH</sup> 2004.



## EXHIBIT C

Attorney Docket No. 2095/US/2

### DECLARATION FOR PATENT APPLICATION

#### DECLARATION:

As the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE, which may be identified as Serial No. 10/828,384, filed April 19, 2004; also known as Attorney Docket No. 2095/US/2, filed with Express Mail Label No. EV 447214821 US.

The persons named as inventors in this application are: Jeffrey Clark Wicks, Bruce Alan Williams, Dan Durdin and Daniel S. Cheek.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, as attached.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application, having a filing date before that of the application on the basis of which priority is claimed.

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 U.S.C. § 119/365			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under 35 U.S.C. 120/365 of any United States or PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became

available between the filing date of the prior application and the national or PCT international filing date of this application.

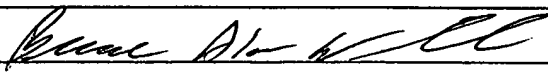
U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
60/464,069	April 18, 2003	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Jeffrey Clark Wicks
Inventor's Signature:	
Date:	
Residence: (City, State and/or Country)	Fort Collins, Colorado U.S.A.
Citizenship:	U.S.A.
Post Address Office:	2626 Red Fox Court, Fort Collins, Colorado 80526

Inventor's Full Name:	Bruce Alan Williams
Inventor's Signature:	
Date:	6-28-05
Residence: (City, State and/or Country)	Fort Collins, Colorado U.S.A.
Citizenship:	U.S.A.
Post Address Office:	1942 Connecticut Drive, Fort Collins, Colorado 80525

Inventor's Full Name:	Dan Durdin
Inventor's Signature:	<i>Dan Durdin</i>
Date:	APRIL 8, 2005
Residence: (City, State and/or Country)	Maple Grove, Minnesota U.S.A.
Citizenship:	U.S.A.
Post Address Office:	11262 N. Eagle Lake Blvd., Maple Grove, MN 55369

Inventor's Full Name:	Daniel S. Cheek
Inventor's Signature:	<i>Daniel S. Cheek</i>
Date:	March 2nd, 2005
Residence: (City, State and/or Country)	<del>Brooklyn Park, Minnesota</del> U.S.A. Plymouth
Citizenship:	U.S.A.
Post Address Office:	7601 Northland Drive, Brooklyn Park, MN 55428

#### **§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

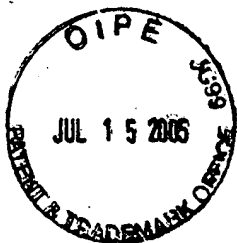
(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.





## EXHIBIT D

Attorney Docket No. 2095/US/2  
Express Mail Label No. EV 423777261 US

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#### In re Application of:

Inventors	: Wicks et al.	Confirmation No: 4818
Appln. No.	: 10/828,384	Group Art Unit: 3763
Filed	: April 19, 2004	Examiner: Not Yet Assigned
Title	: APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE	

#### CONSENT OF ASSIGNEE TO CHANGE INVENTORSHIP UNDER 37 CFR 1.48(a)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

An assignment from the two originally named inventors to Value Plastics, Inc., 3325 Timberline Road, Fort Collins, CO 80525, was recorded on 14 July 2004 at Reel 014851, Frame 0735 (4 pages). The assignee, Value Plastics, Inc., hereby assents to the correction of inventorship filed herewith.

A Statement under 37 C.F.R. § 3.73(b) is attached.

Dated this 28<sup>th</sup> day of June, 2005.

Respectfully submitted,

VALUE PLASTICS, INC.

By: Bruce Williams  
Name: Bruce Williams  
Title: CEO



Attorney Docket No. 2095/US/2  
Express Mail No. EV 423 777 261 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors	: Wicks et al.	
Appln. No.	: 10/828,384	Confirmation No: 4818
Filed	: April 19, 2004	Group Art Unit: 3763
Title	: APPARATUS FOR DISPENSING FLUID INTO OR DRAWING FLUID FROM A CONTAINER USING A SYRINGE	Examiner: Not Yet Assigned

**PETITION TO CORRECT INVENTORSHIP (37 C.F.R. § 1.48(a))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.48(a), inventors and assignee hereby request that the above-identified application be corrected to include Dan Durdin and Daniel S. Cheek as additional inventors. Dan Durdin and Daniel S. Cheek were erroneously, and without deceptive intent, not included as inventors on the above-referenced patent application. The correct inventors are Jeffrey Clark Wicks, Bruce Alan Williams, Dan Durdin, and Daniel S. Cheek.

Statements from Dan Durdin and Daniel S. Cheek that the error of not including them as inventors in the above-referenced patent application occurred without deceptive intent on their part are attached pursuant to 37 C.F.R. § 1.48(a)(2). In addition, written consent of the assignee of the two originally named inventors and a statement of under 37 C.F.R. § 3.73(b) are included herein along with a declaration executed by Bruce Alan Williams, Dan Durdin, and Daniel S. Cheek. Originally named inventor, Jeffrey Clark Wicks, has not reexecuted the declaration. As such, a petition under 37 C.F.R. § 1.183 requesting the waiver of the requirement the reexecution of the declaration under 37 C.F.R. § 1.64 is enclosed.

A check in the amount of \$260.00 to cover the \$130.00 processing fee under 37 C.F.R. § 1.17(i) and the \$130.00 petition fee under 37 C.F.R. § 1.17(h) is enclosed herewith. It is

believed no further petitions or fees are due with respect to this filing. Should any such petitions or fees be necessary, however, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

Dated: July 15, 2005

Respectfully submitted,



---

Charles R. Matson, Registration No. 52,006  
USPTO Customer No. 20686

DORSEY & WHITNEY LLP  
370 Seventeenth Street, Suite 4700  
Denver, Colorado 80202-5647  
Tel: 303-629-3400  
Fax: 303-629-3450